trover here would necessarily mean a much less extensive consideration of it in the course in torts or, according to our new nomenclature, "legal liability."

The subject of real property begins with an "Introduction to the Law of Conveyancing," but follows the old order pretty closely throughout Book V: tenures, estates, reversions and remainders, seisin, a chapter on methods of creating or transferring estates, and a chapter on rents, concluding with the statute of uses. The last two books on rights incident to ownership start with land and proceed with those forms of property more or less closely connected with land; namely, air, water, fixtures, emblements, etc., with a concluding chapter on covenants running with the land. Notes with citations of corroborative or contradictory cases are more numerous than in the older case books and notes by way of introduction to the theme and of correlation with the rest of the subject are found at the beginnings of Book II and Book IV, while the same thing is accomplished for Book V by short citations from BLACKSTONE.

It seems natural, even inevitable, that a period of great creative activity in any field should be followed by a period devoted to assimilation of the results obtained earlier. The wonderful creative fifth and fourth centuries of the Golden Age of Greek literature were followed by the Alexandrian Period in the following years and a similar phenomenon has frequently been noted since in various fields of intellectual effort. To one observing the legal profession at the present time, at least the teaching or professorial part of it, we seem to be in our Alexandrian Period. The leaders of the past generation worked out of our chaotic original sources a body of scientific knowledge and presented it in such a form as to carry the profession, in America at least, farther in one generation than it had progressed in all the preceding years of our history. But when we began to combine the results of the workers in the several fields into one compact body of doctrine for presentation in our law schedule we have found many overlappings, repetitions and inconsistencies which must be removed if we are to be faithful followers of our great twin gods, "Economy" and "Efficiency."

This new case book fulfills admirably the purpose above indicated. In quantity there is a welcome reduction of more than one-third, the overlapping with other subjects has been avoided, and the changes in order and method of presentation are such as to commend themselves to any teacher of the subject. The book is a helpful addition to our working apparatus for first year classes, though there will be some mechanical difficulties in making it fit our present schedules until the other case books are prepared on the new program. J. H. D.

SELDEN SOCIETY. VOLUME XXX. SELECT BILLS IN EYRE, A. D. 1292-1333. Edited by William Craddock Bolland. London: Bernard Quaritch. 1914. pp. lxiii, 174.

In the course of editing the Eyre of Kent (6 & 7 Edward II.) for the Selden Society Mr. BOLLAND discovered a course of procedure which existed

for a comparatively brief time and which, perhaps in consequence of that fact, had been passed without recognition for nearly six hundred years. This was the procedure begun before the King's Justices in Eyre by bill instead of by writ. In his introduction to the second volume of the Eyre of Kent (*27* S. S. xxi-xxx) Mr. BOLLAND has discussed the nature of this procedure. In the present volume he presents an interesting selection of bills from the Eyres of Edward I. and Edward III.

Causes of action which arose or were continuing while the Eyre was in a particular county might be brought before the King's Justices by an informal bill without the necessity of purchasing a writ. These bills should be sharply distinguished from the old original bills in the King's Bench, for no bill could be brought in the King's Bench in any case in which an original writ did not lie, whereas many of these bills in Eyre are for causes in which there was no appropriate original writ in the King's Bench. The explanation of this jurisdiction lies in the full and peculiar manner in which the Justices in Eyre represented the King's authority. It points, says Mr. BOLLAND, "to the immemorial belief that inherent in the King are the right and the power to remedy all wrongs independently of common law or statute law and even in the teeth of these;* * * and the hope and trust that, his own personal interests being in no way concerned, he will right the wrong and see that justice is done. And the Justices in Eyre were in a very special sense impersonations of the King who had received from the King not only authority to hold all pleas, but, further than that, authority to hearken to and give amends for any complaint that should be brought by any against any other." (p. 158.)

Dr. HOLDSWORTH has well said (13 Michigan Law Review 293-4) that there are two distinct stages in the history of Equity in England. In the first stage it was applied in and through the common law courts. This equitable character of royal justice has been emphasized by MAITLAND in his introduction to Bracton's Note Book and in his edition of the Year Books of Edward II. We find very concrete evidence of it in these bills in Eyre. The applications to the Justices are multifarious in character. The enforcement of contracts, recovery of debts, damages for trespass, wrongful imprisonment, conspiracy,—all these are among the causes of action. What we wish to notice especially is the way in which many of these bills anticipate the petitions to the chancellors in the fourteenth and fifteenth centuries. To begin with, they resemble closely the form of the Early Chancery Proceedings. There is the same informality of statement; likewise the bills generally conclude with a prayer for a remedy, without specifying it more particularly. Many of them pray a remedy 'for God's sake' (*pur deu*). This similarity to the Chancery petitions will strike the eye of the most superficial reader. However the likeness is more than superficial. This can best be seen by instancing two classes of cases. First, there is a class of bills brought by men of humble station who seek relief against oppression or extortion and who allege that their poverty, ignorance and the power of their adversaries prevent them from attaining justice by the regular process of law. This is precisely the ground upon which the chancellor took jurisdic-

tion at a later period. (e. g. Oxford Studies in Social and Legal History, IV: 78-9). There is a remedy at law but the ordinary procedure fails. Secondly, there is a class of bills in which the remedy sought did not exist by regular legal process. Bills seeking remedy for breach of contract furnish an illuminating instance. It is notorious that the common law failed to provide a remedy for breach of contract by non-feasance till the sixteenth century, yet in these bills damages are sought for just such a breach. For example bill 92 sets forth that a contract was made for the sale of land. Despite the payment of the purchase price the vendor sold the land to another and thereby "cheated and deceived" the plaintiff (vendee). (*e issi le degela e le deceust*). There is no doubt that the chancellor afforded a remedy in such a case, and, curiously enough, this bill is on all fours with a famous case in the Exchequer Chamber (Y. B. 20 Henry VI. 34. 4.). This and other similar bills for breach of contract (e. g. Bills 11, 36, 63, 71, 91, 143) will bear careful study. In brief Mr. BOLLAND has thrown much light on a hitherto little explored field of legal history.

If the statements of the bills can be trusted they present a vivid picture of the social conditions of the time, in which the absence of anything like police protection is most conspicuous. We read that a woman is struck down and her head battered with stones while she lies senseless. (Bill 97). A man is subjected to a barbarous outrage which scarcely bears telling. (Bill 147). In neither case is there any criminal proceeding; the bill is the only outcome. Such cases are scattered broadcast throughout the volume. One must remember, of course, that the mediaeval plaintiff was gifted with a fertile and picturesque imagination, and it is not unlikely that in an *ex parte* statement he did not hesitate to exaggerate his injuries. The editor, however, is of opinion that most of the allegations are substantially true. (Introduction, p. xlix.)

In the introduction Mr. BOLLAND has fully discussed matters connected with procedure by bill. He has also an interesting note on the authority of the Eyre in which he revises his previous statement in the third volume of the Eyre of Kent. We have before expressed (13 Michigan Law Review 436) a high opinion of Mr. BOLLAND'S work. This volume confirms it.

W. T. B.

A REVIEW OF BLACKSTONE'S COMMENTARIES WITH EXPLANATORY NOTES, BEING VOLUME I OF ESSENTIALS OF THE LAW, by Marshall D. Ewell, LL. D., late President and Dean of the Kent College of Law of Chicago. Matthew Bender & Company, Albany, N. Y., 1915. pp. xvi, 867.

This is the second edition of EWELL'S BLACKSTONE, the first having been published in 1882. It presents the result of twenty-seven years of underscoring and annotating by the author as he has taught this work to successive classes, together with notes and references to other texts in which may be found citations of cases on the elementary principles discussed in BLACKSTONE. The book is a shorter BLACKSTONE, from which the editor has sought to eliminate all matter that is no longer useful, while retaining all that is of